

**Cascadia Wildlands v. Office of the Oregon State Director for
USDA-APHIS Wildlife Services, et al.**

Complaint Exhibit List

1. April 23, 2018 Plaintiff Cascadia Wildlands' FOIA Request
2. April 27, 2018 to May 1, 2018 email communications between Defendant Wildlife Services and Plaintiff Cascadia Wildlands
3. August 29, 2018 Plaintiff Cascadia Wildlands email and Defendant Wildlife Services' September 4, 2018 responsive email
4. September 12, 2018 to October 2, 2018 email communications between Defendant Wildlife Services and Plaintiff Cascadia Wildlands
5. January 17, 2019 Plaintiff Cascadia Wildlands email to Defendant Wildlife Services

EXHIBIT 1



April 23, 2018

BY:

David E. Williams
State Director, Oregon
USDA-APHIS Wildlife Services
6135 NE 80th, Suite A-8
Portland, OR 97218
David.e.williams@aphis.usda.gov

VIA EMAIL

Re: FREEDOM OF INFORMATION ACT request

Dear State Director:

This is a request under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, as amended, made on behalf of Cascadia Wildlands.

Pursuant to the FOIA, please send Cascadia Wildlands copies of the following records:

1. All reports, statistics, summary data, and documentation quantifying or describing lethal or nonlethal management of wolves, coyotes, bear, or any other predator species in any part of Oregon by Wildlife Services ("WS") employees, agents, assigns, delegees, or contractors for the period from January 1, 2012 to present. This includes depredation statistics organized by component/method type or capture/restraint method.
2. All documents relating to the sale and/or auction of wildlife furs or other wild animal products obtained as a result of lethal control activities in Oregon from January 1, 2015 to present.
3. All contracts or other related documents in which WS offers or agrees to perform lethal control services in Oregon from January 1, 2015 to present. This includes contracts made with local governments, state agencies, or private parties.
4. All National Environmental Policy Act ("NEPA") documents relating specifically to lethal control activities in Oregon. This includes Environmental Assessments ("EAs"), Environmental Impact Statements ("EISs"), and Categorical Exclusions.
5. All documents relating to WS's formal or informal consultation with any State of Oregon or Federal agency with respect to lethal control activities in Oregon from January 1, 2015 to present.

If you have any questions as to the scope of this request, please contact the undersigned. If you believe any portion of this request is exempt from disclosure under FOIA please provide a brief description of each withheld document and the legal basis for withholding such document.

Under the FOIA, WS must make a determination on Cascadia Wildlands' request within 20 working days. 5 U.S.C. § 552(a)(6)(A)(i). A determination consists of a statement whether agency will comply with request, the reasons therefore, and informs the requester of the right to appeal an adverse decision.

Fees

Cascadia Wildlands respectfully requests a waiver of any search and copy costs related to the above request. Cascadia Wildlands is a non-profit organization headquartered in Eugene, Oregon, with a mission to educate, agitate, and inspire a movement to protect and restore Cascadia's wild ecosystems. Cascadia Wildlands is supported by thousands of members and community volunteers in Oregon and throughout the broader Cascadia bioregion, including California, Washington, and Alaska.

Under 5 U.S.C. § 552(a)(4)(A)(iii), WS is required to provide the documents without charge or at a reduced rate if the "disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester."

One of the core aspects of Cascadia Wildlands' mission is to educate the public about wildlife and wild places, and how government actions and policies affect public natural resources. Cascadia Wildlands represents the public interest in healthy ecosystems in administrative proceedings, legislative processes, and litigation. As explained below, Cascadia Wildlands meets the criteria for a fee waiver under FOIA.

The requested records concern WS's lethal control activities in Oregon, which include the trapping, shooting, and poisoning of thousands of animals each year. Many or most of these control actions are taken in the name of protecting private property such as livestock or crops. The information requested will contribute significantly to public understanding of government operation and activities because it will reveal the circumstances and extent to which WS implements lethal control of Oregon's wildlife, and what happens to commercially-valuable furs from animals that WS has taken pursuant to contracts. Because all wildlife is property of Oregon, ORS 498.002, the public has a right to know the circumstances under which wildlife is lethally controlled, and the potential monetary benefits to WS resulting from the agency's activities in the state. To the best of Cascadia Wildlands' knowledge, these documents are not available elsewhere.

Cascadia Wildlands is qualified to digest and disseminate the requested information for the benefit of the public, as evidenced by the organization's two decades of grassroots organizing, policy advocacy, and successful litigation protecting Oregon's forests, rivers, and wildlife.

Cascadia Wildlands will use the requested information to contribute to the public's understanding of wildlife control actions in Oregon by analyzing the information and presenting it to the public. Staff members have the expertise and capability to assess, analyze, and summarize the requested documents and then use that information to inform the public about the impacts of these management practices. Cascadia Wildlands frequently communicates with

members using both print and digital newsletters, as well as in-person at public outreach events. Additionally, state and regional media outlets regularly cover Cascadia Wildlands' cases and campaigns, with articles often including interviews with the organization's staff. Members of the public can access blog posts, press releases, scientific information, and tips for public involvement in governmental functions, at any time on the organization website. *See* www.cascwild.org. Like information obtained through past FOIA requests, the information requested here will be analyzed and presented in multiple different forms for ease of dissemination and to ensure that the information reaches the maximum audience possible.

The disclosure of the requested documents to Cascadia Wildlands will significantly contribute to public understanding of government activities because it will reveal important information about Wildlife Services' impact on Oregon's wildlife, and about the true value WS receives from its contract operations in the state. These documents are not readily available to the public without such a request. These are not the type of documents the agency routinely publicizes or otherwise broadly disseminates to the public on a normal basis and are not posted online. Thus, a FOIA request is required to obtain the documents. Cascadia Wildlands' sole interest in requesting these documents is to further its mission of protecting wildlife and ecosystems in the Cascadia Bioregion through advocacy, education, and litigation, when necessary. By analyzing and disseminating the requested information, Cascadia Wildlands will provide the public with a better understanding of the nature and extent of WS's actions in the state. Cascadia Wildlands is a non-profit, 501(c)(3), public interest organization, and as such has no commercial or profit interest in this information.

Please send the documents (electronic copies preferred) to the address on the letterhead above, or email them to me at sam@cascwild.org. If you have any questions about this request, please feel free to contact me. Thank you very much.

Sincerely,
Samantha Krop
Cascadia Wildlands

A handwritten signature in black ink, appearing to read 'Samantha Krop', written in a cursive style.

EXHIBIT 2

From: [Henson, Terry A - APHIS](#)
To: [APHIS-FOIA Officer](#)
Subject: FW: FOIA from Cascadia Wildlands
Date: Tuesday, May 01, 2018 3:02:00 PM
Attachments: [Cascadia Wildlands FOIA 4-25-18.pdf](#)

See the requesters clarification below for this FOIA. I assigned it yesterday but I don't see it in FX. I didn't request that it be placed on hold because I was hopeful that the requester would reply quickly and provide the date range for the one line item.

[Robbie](#)
[All Other](#)
[Wildlife Services](#)

From: Sam Krop [mailto:sam@cascwild.org]
Sent: Monday, April 30, 2018 12:05 PM
To: Henson, Terry A - APHIS <Terry.A.Henson@aphis.usda.gov>
Subject: re: FW: FOIA from Cascadia Wildlands

Hello,

Please provide information from line item #4 for dates ranging from January 2015 to the present.

Thank you for your assistance,

Sam Krop
Grassroots Organizer
Cascadia Wildlands - **we like it wild.**
[CascWild.org](#)
PO Box 10455 Eugene, OR 97440 - 541.434.1463

Cascadia Wildlands defends and restores Cascadia's wild ecosystems in the forests, in the courts, and in the streets. We envision vast old-growth forests, rivers full of salmon, wolves howling in the backcountry, and vibrant communities sustained by the unique landscapes of the Cascadia bioregion. [Join our movement today.](#)

From: "Henson, Terry A - APHIS" <Terry.A.Henson@aphis.usda.gov>
Sent: Monday, April 30, 2018 8:30 AM
To: "sam@cascwild.org" <sam@cascwild.org>
Subject: FW: FOIA from Cascadia Wildlands

Hello Ms. Krop,

We are in receipt of and have reviewed your FOIA request. In order to adequately search for responsive records we ask that you provide the following clarification.

- Please provide the records search date range for line item #4 of your request.

Should you have any questions regarding this clarification request, I can be reached at 301/851-4086.

Regards!

From: Henson, Terry A - APHIS
Sent: Monday, April 30, 2018 11:33 AM
To: APHIS-FOIA Officer <FOIA.Officer@aphis.usda.gov>
Subject: FW: FOIA from Cascadia Wildlands

Robbie
All Other
Wildlife Services

From: APHIS-FOIA Officer
Sent: Monday, April 30, 2018 10:25 AM
To: Henson, Terry A - APHIS <Terry.A.Henson@aphis.usda.gov>
Subject: FW: FOIA from Cascadia Wildlands

Ms. Terry, can you please assign this request?

Thanks Ke

From: Hubb, Felicia L - APHIS
Sent: Monday, April 30, 2018 9:12 AM
To: APHIS-FOIA Officer <FOIA.Officer@aphis.usda.gov>
Cc: Henson, Terry A - APHIS <Terry.A.Henson@aphis.usda.gov>; McNally, Andrea C - APHIS <Andrea.C.McNally@aphis.usda.gov>
Subject: FW: FOIA from Cascadia Wildlands

Good Morning,

Oregon State office received the attached FOIA request. Please process.

Thanks, Felicia

From: Williams, David E - APHIS
Sent: Friday, April 27, 2018 4:29 PM

To: Hubb, Felicia L - APHIS <Felicia.L.Hubb@aphis.usda.gov>

Cc: McGowan, Tracy - OGC <Tracy.McGowan@ogc.usda.gov>; Kendrot, Stephen R - APHIS <Stephen.R.Kendrot@aphis.usda.gov>; Yeary, Michael A - APHIS <Mike.A.Yeary@aphis.usda.gov>

Subject: FOIA from Cascadia Wildlands

Hello APHIS FOIA and OGC:

My office received a FOIA request from Cascadia Wildlands via a certified mailing on 4-25-18. My assistant Kevin Christensen and I have not been in the office the past two days. I wanted to make you aware of this FOIA request which I did not read till today. I want to point out the requesting party is a current plaintiff in a lawsuit filed against the Wildlife Services program here in Oregon.

Kevin and I would like to visit with the FOIA Office and OGC to get guidance on how to respond to this FOIA request.

Thank you,

Dave

David E. Williams

State Director

USDA-APHIS-Wildlife Services

6135 NE 80th, Ste A-8

Portland, OR 97218

(503) 326-2346

Fax (503) 326-2367

david.e.williams@aphis.usda.gov

TWS Certified Wildlife Biologist®

EXHIBIT 3



Rebecca White <rebeccawhiteowl@gmail.com>

USDA Wildlife Services FOIA request

3 messages

Rebecca White <rebeccawhiteowl@gmail.com>
To: Kevin.L.Christensen@aphis.usda.gov

Wed, Aug 29, 2018 at 11:44 AM

Good afternoon Mr. Christensen:

On behalf of Cascadia Wildlands, I am following up on a FOIA request submitted to your office by letter dated April 23, 2018.

For your convenience, I have attached the request as submitted. If your FOIA coordinator has any clarification and/or followup questions prior to completing Cascadia's request, please put him or her in touch with me directly.

Thank you.

Rebecca White

Rebecca White, J.D. | California Bar No. 301109

 **Cascadia Wildlands FOIA Request.pdf**
776K

Christensen, Kevin L - APHIS <Kevin.L.Christensen@aphis.usda.gov>
To: Rebecca White <rebeccawhiteowl@gmail.com>

Tue, Sep 4, 2018 at 2:15 PM

Ms. White,

I was out of the office last week when you sent this email. I have forward your email on to our FOIA office who is reviewing the information and to have them follow up with you. Thank you for the follow up email.

[Quoted text hidden]

This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

Rebecca White <rebeccawhiteowl@gmail.com>
To: "Christensen, Kevin L - APHIS" <Kevin.L.Christensen@aphis.usda.gov>

Tue, Sep 4, 2018 at 2:20 PM

Thank you, Mr. Christensen. I appreciate your quick response upon your return from vacation. The first day back after a holiday is always such a busy day.

Have a great afternoon, and I look forward to hearing from your FOIA office shortly.

Rebecca White

Rebecca White, J.D. | California Bar No. 301109

[Quoted text hidden]

EXHIBIT 4



Rebecca White <rebeccawhiteowl@gmail.com>

2018-APHIS-03818-F

Perry, Robbie T - APHIS <Robbie.T.Perry@aphis.usda.gov>

Wed, Sep 12, 2018 at 12:45 PM

To: "sam@cascwild.org" <sam@cascwild.org>

Cc: "rebeccawhiteowl@gmail.com" <rebeccawhiteowl@gmail.com>, "Jordan, Janelle J" <Janelle.J.Jordan@aphis.usda.gov>, APHIS-WS FOIA <WS.FOIA@aphis.usda.gov>

Good Afternoon Ms. Samantha Krop:

My name is Robbie Perry and I am your point of contact concerning FOIA request 2018-APHIS-03818-F. We have responsive records for your attached FOIA request. We are currently reviewing these documents. We will provide a partial response to you, Ms. Krop, by September 28, 2018. I apologize for not contacting you sooner concerning this FOIA request. If you have any questions, please contact me.

Thank You for your patience,

Robbie Perry

Government Information Specialist

USDA APHIS LPA FOIA

Robbie.t.perry@aphis.usda.gov

301-851-4105

This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

2 attachments

 **18-03818-F.pdf**
252K

 **18-03818 clarification_Cascadia Wildlifes.pdf**
331K

From: "Perry, Robbie T - APHIS" <Robbie.T.Perry@aphis.usda.gov>
Sent: Wednesday, September 12, 2018 12:46 PM
To: "sam@cascwild.org" <sam@cascwild.org>
Cc: "rebeccawhiteowl@gmail.com" <rebeccawhiteowl@gmail.com>, "Jordan, Janelle J" <Janelle.J.Jordan@aphis.usda.gov>, "APHIS-WS FOIA" <WS.FOIA@aphis.usda.gov>
Subject: 2018-APHIS-03818-F
[Quoted text hidden]

2 attachments



18-03818-F.pdf
252K



18-03818 clarification_Cascadia Wildlifes.pdf
331K

Rebecca White <rebeccawhiteowl@gmail.com>

Wed, Sep 12, 2018 at 12:52 PM

To: Robbie.T.Perry@aphis.usda.gov

Cc: Sam Krop <sam@cascwild.org>, Janelle.J.Jordan@aphis.usda.gov, WS.FOIA@aphis.usda.gov

Good afternoon.

Thank you for your assistance. Please also provide your response directly to me at this email address.

Thank you for your anticipated partial production date of September 28, 2018. We appreciate the timeline, and would additionally like to know when we can expect full production.

Yours,
Rebecca White

Rebecca White, J.D. | California Bar No. 301109

[Quoted text hidden]

Rebecca White <rebeccawhiteowl@gmail.com>
To: Robbie.T.Perry@aphis.usda.gov
Cc: Janelle.J.Jordan@aphis.usda.gov, WS.FOIA@aphis.usda.gov

Tue, Oct 2, 2018 at 11:06 AM

Good morning,

We anticipated receiving your first production per this request by September 28, 2018. Please advise when we can expect delivery. Please further advise when we can expect the remaining production.

Please send all responsive production to this email address. I am handling this request on behalf of Cascadia Wildlands.

Thank you.
Rebecca White

Rebecca White, J.D. | California Bar No. 301109

[Quoted text hidden]

EXHIBIT 5



From: Samantha Krop <sam@cascwild.org>
Sent: Thursday, January 17, 2019 3:01 PM
To: david.e.williams@aphis.usda.gov
Subject: FOIA Request 2018-APHIS-03818-F

Hello David,

Please find attached a letter requesting confirmation that Wildlife Services will fulfill the records request originally made by Cascadia Wildlands in our FOIA request originally submitted in April, 2018. Please confirm with me that you have received this email and what actions Wildlife Services intends to take pursuant to this request.

Thank you,

Sam Krop
Grassroots Organizer
sam@cascwild.org

Cascadia Wildlands we like it wild.
CascWild.org - **541.434.1463**
PO Box 10455 Eugene, OR 97440

Cascadia Wildlands defends and restores Cascadia's wild ecosystems in the forests, in the courts, and in the streets. We envision vast old-growth

January 7, 2019

David E. Williams
State Director, Oregon
USDA-APHIS Wildlife Services
6135 NE 80th, Suite A-8
Portland, OR 97218
David.E.Williams@aphis.usda.gov

Re: FOIA Request 2018-APHIS-03818-F

Dear Mr. Williams:

This letter is to request confirmation that, pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. 552, as amended, Wildlife Services will fulfill Cascadia Wildlands’ records request, originally submitted by certified letter dated April 23, 2018.

Cascadia Wildlands requested the following records:

1. All reports, statistics, summary data, and documentation quantifying or describing lethal or nonlethal management of wolves, coyotes, bear, or any other predator species in any part of Oregon by Wildlife Services (“WS”) employees, agents, assigns, delegees, or contractors for the period from January 1, 2012 to present. This includes depredation statistics organized by component/method type or capture/restraint method.
2. All documents relating to the sale and/or auction of wildlife furs or other wild animal products obtained as a result of lethal control activities in Oregon from January 1, 2015 to present.
3. All contracts or other related documents in which WS offers or agrees to perform lethal control services in Oregon from January 1, 2015 to present. This includes contracts made with local governments, state agencies, or private parties.
4. All National Environmental Policy Act (“NEPA”) documents relating specifically to lethal control activities in Oregon. This includes Environmental Assessments (“EAs”), Environmental Impact Statements (“EISs”), and Categorical Exclusions.
5. All documents relating to WS’s formal or informal consultation with any State of Oregon or Federal agency with respect to lethal control activities in Oregon from January 1, 2015 to present.

By email on April 30, 2018, WS confirmed receipt of this request and requested date-range clarification for item #4, which Cascadia Wildlands provided by email the same day. By email on August 29, 2018, Cascadia Wildlands contacted Kevin Christensen, Assistant State Director, requesting information on the status of the records request. By email on September 12, 2018, Robbie Perry, Government Information Specialist, indicated that Wildlife Services held records responsive to the request and set an initial production date of September 28, 2018. Cascadia Wildlands responded by email on September 12, 2018 to acknowledge the planned partial

production date and to inquire as to when full production could be expected. No response was received.

Cascadia Wildlands did not receive any records from WS by September 28, 2018. On October 2, 2018, Cascadia Wildlands contacted Wildlife Services by email to inquire when the initial production would be forthcoming and when complete production could be expected. No response was received.

Pursuant to 5 U.S.C. 552(a)(6)(C)(i), “Upon any determination by an agency to comply with a request for records, the records shall be made promptly available to such person making such request.” Cascadia Wildlands respectfully requests a response detailing when Wildlife Services will fulfill this request.

Sincerely,

Cascadia Wildlands